

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 4:18cr00011

Case No. 4:18cr00009

MATHEW CEASAR FERGUSON

**MOTION TO WITHDRAW AS COUNSEL**

The undersigned moves to withdraw as counsel for Matthew Ceasar Ferguson in Case No. 4:18cr00011 and Case No. 4:18cr00009 for the following reasons:

1. Matthew Ceasar Ferguson was indicted in Case No. 4:18cr00009 on May 9, 2018. He had an initial appearance on May 10, 2018, and at that time the Federal Public Defender was appointed to represent him. Assistant Federal Public Defender Allegra M. C. Black appeared on behalf of Ferguson. On September 6, 2018, Adam Heath Mosely was appointed to represent Ferguson as a CJA Mentee. On October 25, 2018, Ferguson plead guilty to the indictment. On November 8, 2018, the case was transferred to Chief Judge Michael F. Urbanski. On June 5, 2019, First Assistant Federal Public Defender Frederick T. Heblich, Jr., entered an appearance as counsel for Ferguson. This case remains pending.

2. Matthew Ceasar Ferguson was indicted in Case No. 4:18cr00011 on June 11, 2018. On June 14, 2018, Ferguson had an initial appearance and at that

time the Federal Public Defender was appointed to represent him. Assistant Federal Public Defender Allegra M. C. Black appeared on behalf of Ferguson. On June 26, 2018, First Assistant Federal Public Defender Frederick T. Heblich, Jr., entered an appearance as counsel for Ferguson. On September 6, 2018, Adam Heath Mosely was appointed to represent Ferguson as a CJA Mentee. On November 6, 2018, Ferguson pled guilty to Count One of the indictment. The case remains pending.

3. Ms. Black left the office of the Federal Public Defender on June 13, 2019.

4. Because of recent disclosures made by the government and various motions filed by codefendants, it appears that Ms. Black and Mr. Heblich are likely to be called as witnesses in this case. Under the circumstances, Rule 3.7 of the Virginia Rules of Professional Conduct would prohibit counsel from continuing to participate in this case.

WHEREFORE, the undersigned moves the court to allow the Federal Public Defender's office to withdraw from further representation of Matthew Ceasar Ferguson in Case No. 4:18cr00009 and Case No. 4:18cr00011.

Respectfully submitted,

S/Frederick T. Heblich, Jr.  
First Assistant Federal Public Defender  
Counsel for Matthew Ceasar Ferguson

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### **CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: counsel of record; and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Matthew Ceasar Ferguson, Western Virginia Regional Jail, 5885 W. River Rd., Salem, VA 24153.

S/Frederick T. Heblich, Jr.  
Frederick T. Heblich, Jr.